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*(Additional counsel information omitted)*

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
SANTA ANA DIVISION**

ENTROPIC COMMUNICATIONS,  
LLC,

Plaintiff,

v.

COMCAST CORPORATION;  
COMCAST CABLE  
COMMUNICATIONS, LLC; AND  
COMCAST CABLE  
COMMUNICATIONS  
MANAGEMENT, LLC,

Defendants.

**No. 2:23-cv-1049-JWH-KES (Lead Case)**  
**No. 2:23-cv-1050-JWH-KES (Related Case)**

**No. 2:23-cv-1043-JWH-KES (Lead Case)**  
**No. 2:23-cv-1048-JWH-KES (Related Case)**

Assigned to Hon. John W. Holcomb

**[PROPOSED] ORDER GRANTING  
COMCAST DEFENDANTS' MOTION  
TO DISMISS UNDER FED. R. CIV. P.  
12(b)(1) AND 12(b)(6)**

Date: January 26, 2024  
Time: 9:00 a.m.  
Courtroom: 9D

1 Having considered Defendants’ Rule 12(b)(1) and 12(b)(6) Motion to Dismiss  
2 Plaintiff’s Second Amended Complaint, the Court GRANTS the Motion.

3 MaxLinear, Inc. and its affiliates covenanted not to sue Defendants for alleged  
4 infringement of the asserted patents. The assignment of the asserted patents by  
5 MaxLinear, Inc., and its affiliate MaxLinear Communications LLC, to plaintiff,  
6 Entropic Communications, LLC (“Entropic”) was made subject to existing  
7 encumbrances, including the covenant not to sue Defendants. *Datatreasury Corp. v.*  
8 *Wells Fargo & Co.*, 522 F.3d 1368, 1372 (Fed. Cir. 2008). Plaintiff therefore lacks a  
9 basis to bring these lawsuits.

10 Plaintiff’s willfulness allegations are implausible because they fail to allege  
11 facts from which it can be plausibly inferred that Comcast had knowledge of the  
12 asserted patents and had knowledge that its alleged conduct constituted infringement  
13 of the asserted patents. *RJ Tech., LLC v. Apple, Inc.*, 2023 WL 3432237, at \*8 (C.D.  
14 Cal. Mar. 23, 2023). Accordingly, the Court grants Comcast’s motion under Rule  
15 12(b)(6) to dismiss Entropic’s willfulness claims.

16 For these reasons, the Court GRANTS the Motion and dismisses the Second  
17 Amended Complaint with prejudice under Rule 12(b)(1) and Rule 12(b)(6).

18 **IT IS SO ORDERED.**

19  
20 Dated: \_\_\_\_\_, 2024

21  
22 Honorable John W. Holcomb  
23 United States District Judge  
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